

**Planning and Zoning Committee Meeting  
February 11, 2019 @ 2:00pm**

In attendance were Town Manager Debbie Botchie, Town Code & Building Official Eric Evans, Committee Member Peter Michel, GMB Representative Andrew Lyons Jr., and Town Code & Building Administrator Robin Caporaletti.

1. **CALL TO ORDER:** Town Manager Debbie Botchie called the meeting to order at 2:00 p.m.
2. **ROLL CALL:** Ms. Botchie stated all members are present and there is a quorum.
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF MINUTES – February 1, 2019**  
Mr. Eric Evans made a motion to accept the minutes from the February 1, 2019, Planning & Zoning meeting. Committee Member Peter Michel seconded the motion. Motion carried 3-0.

**MOTION TO ENTER PUBLIC HEARING**

Mr. Michel motioned to go into public hearing at 2:03 p.m. Mr. Evans seconded the motion. Motion carried 3-0.

5. **NEW BUSINESS**

A. Public Hearing Notice – Mr. Michel read the notice.

B. Written Comments – Ms. Botchie stated that there were no submitted written comments.

C. Review and discuss a preliminary subdivision site plan submitted by Land Design Inc. on behalf of Miken Builders, for the proposed Southern Landing subdivision located at Tax Map Parcels 134-12.00-419.00 and 419.01, with a planned entrance from Old School Lane, zoned Residential, which will consist of 16 single family homes.

Mr. Tom Ford, of Land Design Incorporated (LDI), stated he is representing Mr. Mike and Sean Cummings of Miken Builders, and there are two (2) parcels situated on Old School Lane and Cedar Drive, with one being just under five (5) acres and the other being two (2) acres. Mr. Ford stated the current use is there is a home located on the site, there are outbuildings consisting of a garage, barn, shed, and a privy. Mr. Ford stated the remaining lands have been used agriculturally for farming; and there are some special features to this site, such as a tax ditch along the smaller parcel which terminates at Old School Lane, but there are no wetlands as verified by Environmental Resource Management. Mr. Ford stated Lord Baltimore Elementary School, Atlantic Auto and a few residential homes are neighbors to the north of the parcel, residential are neighbors to the west, and residential in the Town of Ocean View to the east. Mr. Ford stated with this plan, he tried to fit the existing character of the neighborhood along Cedar Drive, and the proposed use is sixteen (16) residential single family lots, as well as a two-hundred-twenty (220)-foot +/- roadway which will end in a cul-de-sac and there will be sidewalks in front of every proposed home – both the internal lots and outside – with a sidewalk also along Cedar Drive and a crosswalk at the intersection. Mr. Ford further stated one (1) out parcel is reserved for community open space, and he figures they can have a pool and poolhouse in that area. Mr. Ford stated the other out parcel is the stormwater management section which does show up as rather large but it has been calculated to be in realm of reasonableness, as well as doing soil borings and figuring out the seasonable high water table. Mr. Ford stated part of the pre-planning before getting to this point was looking up the tax ditch easements and right-of-ways (ROWs), which presently shows at eighty (80) feet along one side of the tax ditch. Mr. Ford stated LDI has contacted the tax ditch people and requested it to be reduced, which is very common, and they have a verbal approval of twenty-five (25) feet which LDI is currently in the process of

formalizing, and this plan shows the improvements with a twenty-five (25)-foot setback for maintenance. Mr. Ford stated he spent quite a bit of time with DelDOT, meeting with them about entrances, access, etc., along Cedar Drive, and they've come to an informal agreement with DelDOT to go ahead with three driveways – one of which already exists and two (2) additional – on Cedar Drive. Mr. Ford stated there will be five (5) driveways on Old School Lane, as well as the road itself going into the interior lots. Mr. Ford stated the plan presented today does reflect LDI's conversations with DelDOT and there will be a five (5)-foot dedication to DelDOT on each side of the road – on Old School Lane – which will expand the ROW by ten (10) feet; so it is currently at fifty (50) feet and they will be expanding it to sixty (60) feet. Mr. Ford further stated there will be a five (5)-foot dedication on the other side of Cedar Drive, as well as an additional easement for pedestrian use.

Mr. Ford stated part of their pre-planning was sewer and water, and there are adequate facilities for Sussex County hookup as well as adequate facility from Tidewater for water because there's a twelve (12)-inch water line running along Old School Lane, which the community would tie into. Mr. Ford stated the next item in the pre-planning is stormwater so LDI met with the Soil Conservation District (SCD), and it was agreed the tax ditch adjacent to the north would be the outfall area for the stormwater, the Southern Landing project would have to manage the runoff to not exceed the existing peak discharge of this existing tax ditch. Mr. Ford further stated post-construction, the applicant cannot exceed what is there today, which is why there is such a big stormwater pond, which has been brought into the calculations, and a web pond was determined to be the best option for this property. Mr. Ford stated the SCD approved the drawings and calculations on a preliminary basis. Mr. Ford stated LDI also has been in contact with Tidewater Utilities, and LDI is collecting stormwater in various catch basins around properties in the back and ditches in the front, and it's all coming to an area where it will cross underneath the road to discharge the water so it can be treated appropriately in this specific vicinity. Mr. Ford stated the twelve (12)-inch pipe they needed to uncover – it's called a "soft dig" – revealed the pipe, and captured where it is in the elevation of the soil profile. Mr. Ford stated the pipe is in conflict with LDI's gravity so instead of LDI moving its gravity, which it tried by manipulating grades, it's still in conflict so Tidewater has presented LDI with a detail to go under the drainage pipe. Mr. Ford stated part of the plan is to have some of the lots draining onto the applicant's property, which will capture the drainage and moving it to the ditch.

Mr. Ford further stated the existing house onsite will remain, and it will meet all of the current Town setbacks when it is subdivided out. Mr. Ford stated the remaining outbuildings will be removed, and that will be done after recordation of this application. Mr. Ford stated the lots all exceed the minimum criteria outlined in the zoning subdivision section of the Town Code, and layout of the lots along the streets very much in character with the existing homes along this section of Town. Mr. Ford stated all lots shall front on sidewalks; all corner lots are wider to accommodate front setbacks on both sides of the road; and lot sixteen (16) is a much larger size but even though it's part of this application, it is subject to further review for a potential zoning change application with the Town for a retail office use but this application is calling for it to be residential. Mr. Ford stated the entranceway would be somewhat contiguous and about the same width as the commercial entrance at Miken Builders across the street, but DelDOT wanted the entrance to be as far away from the intersection as possible and there will be some improvements along Cedar Drive should that go into the commercial entrance, all to the developers' "nickel and dime." Mr. Ford stated they are proposing some screening and fencing to screen the Atlantic Auto business, as well as along Lot one (1). Mr. Ford stated there is no sidewalk proposed along the one side of the street because there are no houses and no frontage on that side. Mr. Ford stated the proposed street, cul-de-sac and subdivision have all been through the County's addressing system and has been approved, so the names seen here aren't going to change. Mr. Ford stated access to lots seven (7) and eight (8), which are along Old School Lane, will occur inside the subdivision and will not occur on the outside. Mr. Ford stated in the community open space, which is reserved for the pool and pool house structure, there are three (3) parking spaces primarily because this is a walkable community so these spaces will be there

primarily for maintenance people, construction people, and/or someone driving an elderly and/or infirm person.

Mr. Michael Cummings, of Miken Builders, stated the vision for the community is more of a southern feel due to his visiting in Charleston and falling in love with the feel of it. Mr. Cummings stated if he ever had the opportunity to do a community, he'd follow that style and he thinks the renovations done on the Collins house, which is the existing house on the parcel, were done close to this style and done well, so much so that he plans on renting out the Collins house for a few years on AirBnB. Mr. Cummings stated the house plans presented are twenty-one-hundred (2100) square-feet and Mr. Cummings thinks it will appeal to a lot of starter home buyers or retirees. Mr. Cummings stated these aren't a real fancy design but there will be an option to put a detached garage in the backyard, within the setbacks. Mr. Cummings stated he plans on building a model home as soon as he gets permission, and he plans on pre-selling the lots so a house can be put up as it's sold. Mr. Cummings stated he thinks the houses will sell fast, he plans on starting sales at three-hundred-ninety-nine-thousand dollars (\$399,000), and finish with extras somewhere around four-hundred-twenty-five-thousand dollars (\$425,000) and four-hundred-fifty-thousand dollars (\$450,000). Mr. Cummings stated he is excited about this project and thinks with its location, it will be a very welcomed addition to Town.

Mr. Andrew Lyons Jr., of GMB, stated he has reviewed the plans, had comments, and LDI has addressed those comments so the plan meets all the Town Code requirements for a preliminary plan. Town Manager Debbie Botchie stated on the plan, the applicant shows one (1) light fixture for the street lights and the applicant will coordinate with the electric service for those, so be sure to include those on the final site plan. Ms. Botchie stated on the landscaping plan, she sees there are ten (10) trees in a particular location, and asked the applicant be very conscious as to the type of tree they plant because the Town has seen some situations in developments now where the roots want to pop through the sidewalks, even though the trees may be listed in the National Arborists lists, it could be a problem. Ms. Botchie stated she sees where the applicant has a temporary sale sign but on the final site plan, the applicant will need a permanent sign. Mr. Cummings stated his intentions are to put the sign at the corner of Cedar Drive and Old School Lane, so people coming towards Giant Food will see it. Ms. Botchie asked if parents still park along Old School Lane for school events. Mr. Cummings stated yes, they do, but they will still be able to park, just a bit less cars can park due to the driveways. Ms. Botchie asked if the stormwater is set up to run from west to east. Mr. Ford stated yes. Ms. Botchie stated the Town has some residents not far down from Miken who have had some flooding issues, and will this development help their issue or add to their problem? Mr. Lyons stated they are taking some of the stormwater now so they're not changing the flow pattern, so it will not significantly affect making it worse. Ms. Botchie stated she thinks it will be a beautiful small residential community and stated her thanks for what Miken did to the property, particularly keeping the Collins residence.

Town Code & Building Official Eric Evans stated prior to going to final site plan approval, the applicant needs to show whether there will be a mail kiosk or individual mailboxes. Mr. Evans stated he also sees the applicant put the trees behind the sidewalks so that's good.

#### **D. Residents/Property Owner Comments & Questions**

Ms. Leslie Fatula, of Bridge Lane, asked if Lord Baltimore Elementary School has more room for more kids at this point? Ms. Botchie stated she doesn't know as the school is in Ocean View's jurisdiction but the school does have a certain capacity she's sure the district has to adhere to. Ms. Susan Lyons, of Millville, stated she believes the school is at capacity. Ms. Fatula asked where the border of Millville and Ocean View is located. Mr. Evans showed the resident.

**MOTION TO CLOSE PUBLIC HEARING**

Mr. Evans motion to close public hearing at 2:34 p.m. Mr. Michel seconded the motion. Motion carried 3-0.

**6. New Business**

A. Discuss and possible vote on the preliminary subdivision site plan with recommendation regarding the Town Council's review of the final subdivision site plan submittal.

Mr. Evans motioned to accept the preliminary subdivision site plan based on the comments, recommendations, they meet the requirements for final subdivision site plan review, and recommend to Town Council to approve the subdivision site plan. Mr. Michel seconded the motion. Motion carried 3-0.

**7. ADJOURNMENT**

Mr. Evans motioned to adjourn the meeting at 2:36 p.m. Mr. Michel seconded the motion. Motion carried 3-0.

Respectfully submitted and transcribed  
by Matt Amerling, Town Clerk